



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG/AL
F.#2010R00153

271 Cadman Plaza East
Brooklyn, New York 11201

September 23, 2011

By Hand Delivery & ECF

The Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. John Dunn, et al.
Criminal Docket No. 11-30 (KAM)

Dear Judge Matsumoto:

The government respectfully submits this letter in connection with the above-referenced case to provide an update to the Court and in support of a motion for a slight modification in the pretrial motion schedule set by the Court.

At a status conference held on September 20, 2011, the Court scheduled a trial to commence on October 11, 2011 for the defendants listed in the second group of the government's August 3, 2011 letter, namely Daniel Capaldo, John Dunn, John Maggio and Theodore Persico, Jr. On September 19, 2011, Capaldo consented to transfer the counts against him in the above-referenced case to the United States District Court for the Southern District of New York. On September 22, 2011, John Maggio pleaded guilty to the one count with which he was charged in the above-referenced case. Finally, Theodore Persico, Jr., has consented to a trial with the first group of defendants listed in the government's August 3, 2011 letter in order to allow plea negotiations to continue. Accordingly, John Dunn will be the sole defendant in the trial scheduled for October 11, 2011.

In addition, the government requests permission for the parties to file their pre-trial motions on or before Tuesday, September 27, 2011, and to file any responsive briefs on or before Monday, October 3, 2011. The parties do not anticipate a need to file any reply briefs. Defense counsel for Dunn consents to these requests.

Thank you for your consideration of this letter.

Respectfully submitted,

LORETTA E. LYNCH
UNITED STATES ATTORNEY

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cc: Clerk of the Court (KAM) (by ECF)
All Counsel (by ECF)